

**CITY OF ISSAQUAH
DEVELOPMENT SERVICES DEPARTMENT
ADMINISTRATIVE REVIEW**

NOTICE OF DECISION

TO:

Ella Moore
290 NE Alder Street
Issaquah, WA 98027

JLK Custom Designs
37110 SE Gala Court
Snoqualmie, WA 98065

PROJECT:

Detached garage for single family house
Administrative Adjustment of Standards: Setbacks for detached garage from public right-of-way

APPLICATION:

Planning Application: AAS13-00001
Reference Application: Building Permit: BLD13-00037
Reference Application: Demolition: BLD13-00080

DATE OF DECISION:

April 12, 2013

REQUEST:

An application for Administrative Adjustment of Standards (AAS) is requested to allow a reduction of the setbacks for a detached single car garage from the alley to the north and 3rd Avenue NE to the east on a redeveloping lot. An existing dilapidated garage at the approximate location will be demolished.

Chapter 18.07.110(B)(4) of the Land Use Code designates a setback of 10 feet from a street right-of-way is required for accessory detached buildings. The applicant is requesting a setback of 7 feet-11 ¼ inches from the alley to the north and 6 feet from 3rd Avenue NE to the east. The applicant proposes to construct a new one stall garage at the same approximate location that will be compatible with a new house that will also be constructed on the property.

LOCATION:

The property is a corner lot with Alder Street to the south, 3rd Avenue NE to the east, and an alley to the north. The property is addressed as 290 NE Alder Street. See location with vicinity map, Exhibit 3 and site plan, Exhibit 7.

SUBAREA:

The property is located within the "Olde Town" subarea.

COMPREHENSIVE PLAN

DESIGNATION: "Low Density Residential" by the City's Comprehensive Plan's Use Designation Map, as amended January 16, 2011, Ord. 2643, as amended.

PARCEL NUMBER: 527910-0240

SITE AREA: 7,648 square feet

ZONING: SF-D (Single Family - Duplex)

DECISION MADE: On April 12, 2013, the Development Services Department conditionally approved the application for Administrative Adjustment of Standards, Application No. AAS13-00001. Approval of the application is based on the application submittal made on February 7 2013. The approval of the application is subject to the following conditions:

1. Construction shall not commence until the Building Permit is issued by the City, Application No. BLD13-00037. All conditions of the Building Permit shall be complied with.
2. A minimum of 2 parking stalls is required for the single family house. An existing concrete pad off the alley west of the garage may be used for the 2nd vehicle parking space. Parking may be provided in garages, carports, or as surface parking.

REASONS FOR DECISION:

1. 18.07.260 General Purpose:
The purpose and intent of administrative adjustment of development standards is to provide the flexibility to modify standards in all zoning districts at the administrative level. Approval must be based on a determination that the adjustment is consistent with the purpose and intent of this Code and of the development standards. This provision requires a Level 2 Review (Chapter 18.04 IMC) regardless of street frontage or parcel size, with public notification to adjacent property owners.
2. 18.07.270 Process:
The Planning Director/Manager has the authority to make the final decision regarding Administrative Adjustment of Standards for all levels of review. The Director/Manager shall consider the application information regarding the approval criteria which has been provided by the applicant and any public comment which has been received within the comment period. The Director/Manager may request input from the Chair of the Development Commission during the comment period; however, this is not required. The Planning Director/Manager's decision on the Administrative Adjustment of Standards is final unless appealed. Appeals to a Level 2 Review/Administrative Adjustment of Standards decision are made to the Hearing Examiner (further appeals to King County Superior Court).
3. 18.07.330(A): Purpose for Setbacks:
The purpose of permitting the Administrative Adjustment of Setback Standards is to provide for flexibility in reducing or modifying setbacks in all zoning districts, without permitting a setback adjustment that would negatively impact the surrounding neighborhood. An adjustment to a setback may be approved based on a determination by the Planning Director/Manager that the adjustment is consistent with the purpose of this

Code, the intent and purposes of the setback standards, and will accomplish one (1) or more of the following objectives:

- 1) Allow buildings to be sited in a manner which maximizes solar access;
- 2) Allow zero lot line, semidetached (common wall construction) or other types of cluster development in conformance with the provisions of this Code;
- 3) Coordinate development with adjacent land uses and the physical features of the site;
- 4) Permit flexibility in the design and placement of structures and other site improvements;
- 5) Allow development consistent with the scale and character of the existing neighborhood;
- 6) Provide flexibility for a site which has one (1) or more of the following constraints:
 - a. Existing development which was permitted or platted under previous land use regulations; or
 - b. A vacant site which had development approval or was platted under previous land use regulations; or
 - c. Physical features of the site which prevent development that is compatible and consistent with the character and scale of the surrounding area, such as the unique site constraints in the older part of the city;
- 7) Allow reduction of the required setbacks in order for the placement of the building to be adjusted on the lot for retention of existing significant trees.

Staff response: The placement of the detached garage is in keeping with the existing dilapidated garage in the same approximate location that will be demolished. The reduced setbacks to the new garage will not have a negative impact to the neighborhood which has similar structures having equal or less distance to the right-of-ways, including the adjacent property to the north.

4. 18.07.330 (B): Approval Criteria:

These setback standards are applicable in a residential, commercial, industrial or mixed use development, unless otherwise provided. These standards are not applicable to the Mineral Resource Zone. Setback standards for the Mineral Resource Zone are provided at IMC 18.07.525. These standards may be adjusted administratively through the approval of all the following criteria, in addition to the approval criteria for Level 2 Review:

- (1) Compatibility: The adjustment of setbacks is compatible in scale and character with existing neighboring land uses; and

Staff response:

The adjustment of standards request to reduce the setback for the detached garage will be compatible in scale and character with the neighborhood. Many other garages along the alley are equally as close, including the property to the immediate north that has access from 3rd Avenue. In addition, the new house that is proposed on the lot will be 6 feet away from 3rd Avenue as a side yard and as allowed by the District Standards Table of the IMC. The new garage is proposed in approximately the location of the existing detached garage that will be demolished.

- (2) Consistency: The proposed development meets all other development and design standards as governed by the District Standards Table and the Design Criteria Checklist, unless those standards are modified through approved:
 - a. Cluster provisions; or

b. An Administrative Adjustment of Standards; and

Staff response:

The proposed garage to the Moore house will meet all other development standards of the Land Use Code including building setbacks (as adjusted by this application), building height and lot coverage (Impervious surface).

Clustered provisions are not applicable to this administrative adjustment of standards.

- (3) *Consistency with Zoning District: The adjustment of setbacks shall provide consistency with the intent and character of the zoning district involved; and*

Staff response:

The intent and character of the zoning district involved (single family suburban -- "SF-D") will remain as a detached single family house with a detached single stall garage. The character of the Olde Town neighborhood has many detached garages similar in design and to the setbacks as to this proposal is requesting.

(4) *Impacts:*

- a. *Adjacent Property Owner(s): The adjustment of setbacks does not negatively impact the adjacent property owners;*
- b. *Critical Areas: The adjustment of standards is consistent with the purpose and intent of the critical area regulations, and does not negatively impact any adjacent critical areas;*
- c. *Public Services: The adjustment of setbacks does not negatively impact public services, including emergency access, access to right-of-way, dedicated tracts, or easements; and*
- d. *Structure(s): Any structure(s) which is within the proposed setback modification area does not negatively impact the adjacent property through incompatible height, bulk, design, color or other feature; and*

Staff response:

- a. The adjustment of standards to reduce the side yard for the detached garage will not negatively impact the adjacent neighbors. The house to the immediate north also has a similar garage fronting towards 3rd Avenue. Photographs provided by the applicant indicate this. The abutting neighbors to the Moore property were informed of the proposal and have not provided any comments on this project. The reduced setback is to a public right-of-way (north and east) rather than reducing an inside setback to an adjacent neighboring lot.
- b. There are no "critical areas" on the subject property or adjacent properties.
- c. There will be no negative impact to public services including emergency access, access to the streets or tracts or easements.
- d. The detached garage to the house with a lesser setback as an accessory building should not have a negative impact to the adjacent properties. The main house is allowed to have a setback of 6 feet from 3rd Avenue NE by the development standards of the SF-D zoning district. The applicant is asking that the garage have the same setback along 3rd Ave by approval of the AAS. The

design of the garage will be compatible with the main house. The garage is not overly bulky and is proposed to have 330 square feet (15' x 22') and will be approximately 14 feet in height to the mid-point of the pitched roof. The applicant proposes to set the garage further back from the alley property line than the current structure. The garage will not have a negative impact the adjacent property through incompatible height, bulk, design, color or other feature. The garage will be compatible to other detached garages in the neighborhood and will be constructed with horizontal siding, a pitched roof (8:12) with composition roofing, cedar shakes, roof trim, gabled vents, and a pedestrian door and window on the sides. The design of the garage matches design elements of the new craftsman style house proposed for the property.

- (5) *Intent: The adjustment of standards will be equal to or superior in fulfilling the intent and purpose of the original requirements; and*

Staff response:

The adjustment of standards requested for the Moore residence will be equal or superior in fulfilling the intent and purpose of the original requirement in allowing for flexibility in reducing the side yard setback for the garage from 10 feet to 6 feet. The 6 foot setback is equal to that of the new main house that will be constructed on the property and the 6 foot setback is setback further than the existing 1-stall garage that will be demolished. The applicant desires that access to the garage continue from 3rd Avenue rather than from the alley to the north which is tight.

The proposed garage will contain the elements and character of the traditional "Olde Town" neighborhood. Issaquah's vision is to create new developments that promote this positive image.

- (6) *Impervious Surface Ratio: The required impervious surface area for the property is not exceeded; and*

Staff response:

The maximum impervious surface ratio of the SF-D zone is 50% and will not be exceeded with the development on the property with the new house and detached garage. The project plans indicate that the impervious surface of all structures and paved areas will total 2,404 square feet and that equates to 31.4% of the site. Up to 3,824 square feet of the site is allowed to be impervious surface area.

5. The Administrative Adjustment of Standards is SEPA exempt. Single-family residences are exempt from SEPA as minor construction and an AAS, an administrative variance, is exempt as a minor land use decision, per WAC 197-11-800. An Environmental Checklist was not required.
6. A Building Permit for the house expansion is required and an application was made under BLD13-00037. Any conditions imposed with issuance of the Building Permit will need to be complied with. A demolition permit was also made to tear down the existing house and detached garage on the property under application BLD13-00080.
7. A "Notice of Complete Application" for the Administrative Adjustment of Standards was issued by the Development Services Department on March 15, 2013. The project

application and plans were then routed to all project reviewing City departments. Their comments and concerns have been addressed in this Notice of Decision.

8. Public Notice: The Administrative Adjustment of Standards proposal met the public notification requirements (for notice of application and public comment notice) for the Level 2 Administrative Adjustment of Standards review. Notice to property owners within 300 feet of the Moore property was mailed on March 15, 2013, and a 2-week comment period provided ended on March 29, 2013. Written public comments were received from 1 citizen (Exhibit 13). This Notice of Decision is mailed to the same surrounding property owners if they provided either written comments to the Development Services Department or if they requested to become a party of record.
9. In summary, public comments received by one citizen noted that the reasons given by the application for the setback reduction were not provided and that the alley is tight in the spot where the new garage is proposed due to having structures on both sides of the alley and that the applicant should build to the current setback standards. The letter is entered as Exhibit 13.

Staff response:

The applicant who has owned the property for 37 years desires to building a craftsman style house and garage in keeping with the style of the homes in the Olde Town neighborhood. As proposed, the new garage replacing an older garage in that area will be more conforming to setback standards. The applicant notes that the current garage is 1-2 feet from both the north and east property lines. The project proposal illustrates a setback along 3rd Avenue of 6 feet (the same as required for the new house) and 7 feet 11-1/4 inches from the alley property line. The applicant desires to keep the building and landscaping similar to the 1920's design of the original plan. The applicant also makes the request because the closeness of the neighboring garage to the north makes backing into the new garage difficult. The applicant desires to maximum the usable space in the back yard for gardening and outdoor enjoyment and setting the garage back 10 feet on both sides would cut the back yard and create unusable areas. The applicant provided photographs showing that the houses along 3rd Avenue do not have access to their garages from the alley and that most garages appear to be less than 6 feet from the property lines. Designing the structures (house and the garage) as proposed retains the small town, traditional single family character of this area. A reduced setback of less than 10 feet is not detrimental to the area.

CONCLUSIONS:

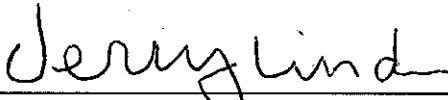
The requested Administrative Adjustment of Standards to allow a reduction of the yard building setback for the detached garage to the Ella Moore single family house is acceptable and meets the approval criteria of the Issaquah Land Use Code. The Administrative Adjustment of Standards is approved as conditioned.

TIME LIMIT OF DECISION:

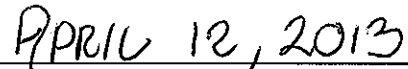
The final decision approving the Administrative Adjustment of Standards for the building setbacks is valid for three years as specified by IMC 18.04.220-C-5, or as amended by the Land Use Code.

EXHIBIT LIST:

1. Application: Administrative Adjustment of Standards, AAS13-00001, received 2-07-2013
2. Affidavit of Ownership, received 2-07-2013
3. Vicinity map
4. Narrative description (2 pages), received 2-07-2013
5. Photographs received from applicant (4 photos), received 2-07-2013
6. Site photographs (11) taken by Development Services Department, taken on 3-15-2013
7. Site Plan, received 2-07-2013
8. Elevations, roof, foundation plan, garage plan & details, received 2-07-2013
9. Front elevation of new house and main & upper floor plans, received 2-07-2013
10. Front & left elevations of main house, received 2-07-2013
11. Rear and right elevations of main house, received 2-07-2013
12. IMC 18.07.330, Administrative Adjustment of Standards for Setbacks criteria
13. Letter received from Mark D. Bennett, received 3-16-2013



Jerry Lind, Senior Planner



Date

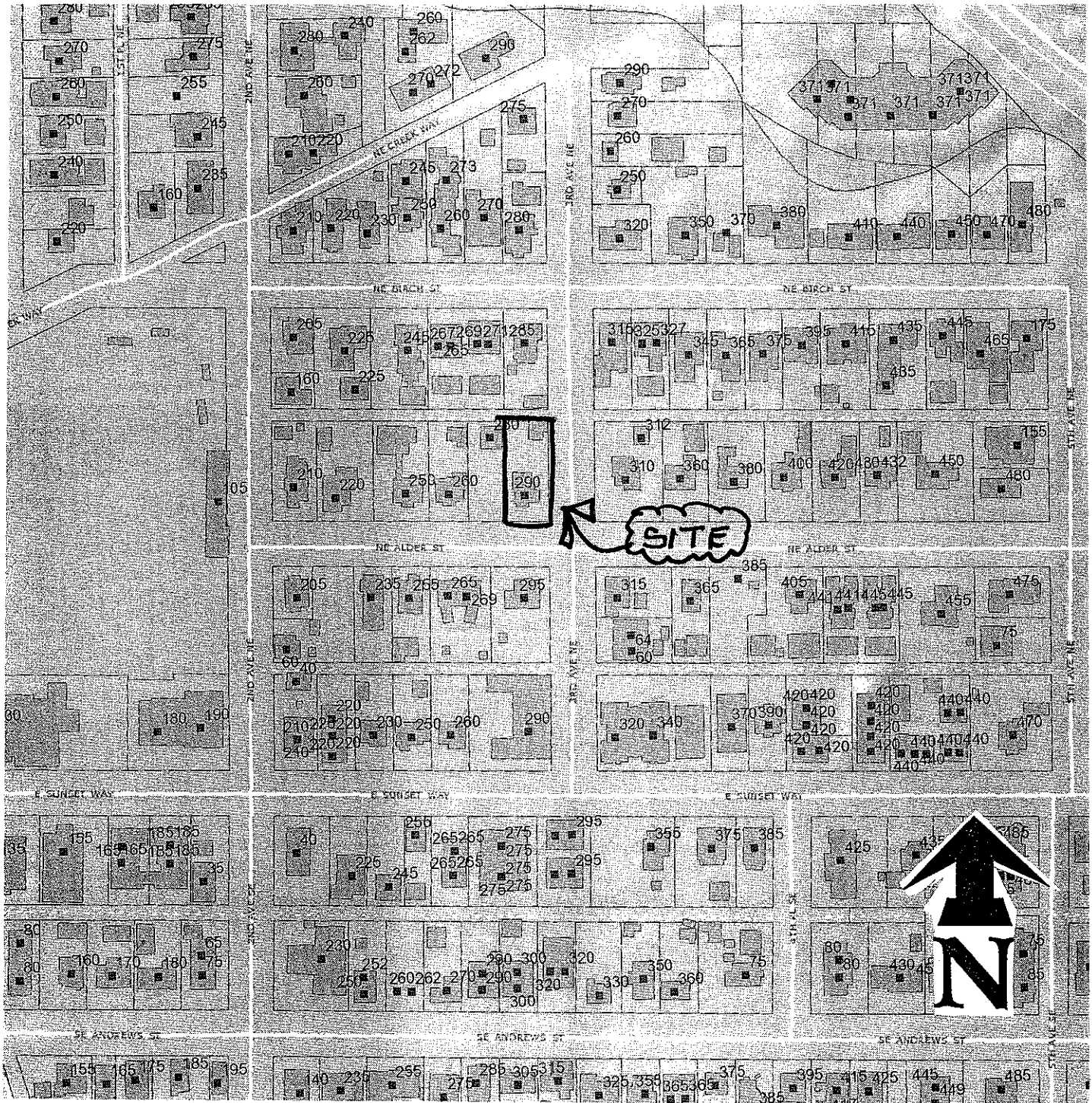
JL/jl

AAS13-00001, Moore garage, Notice of Decision

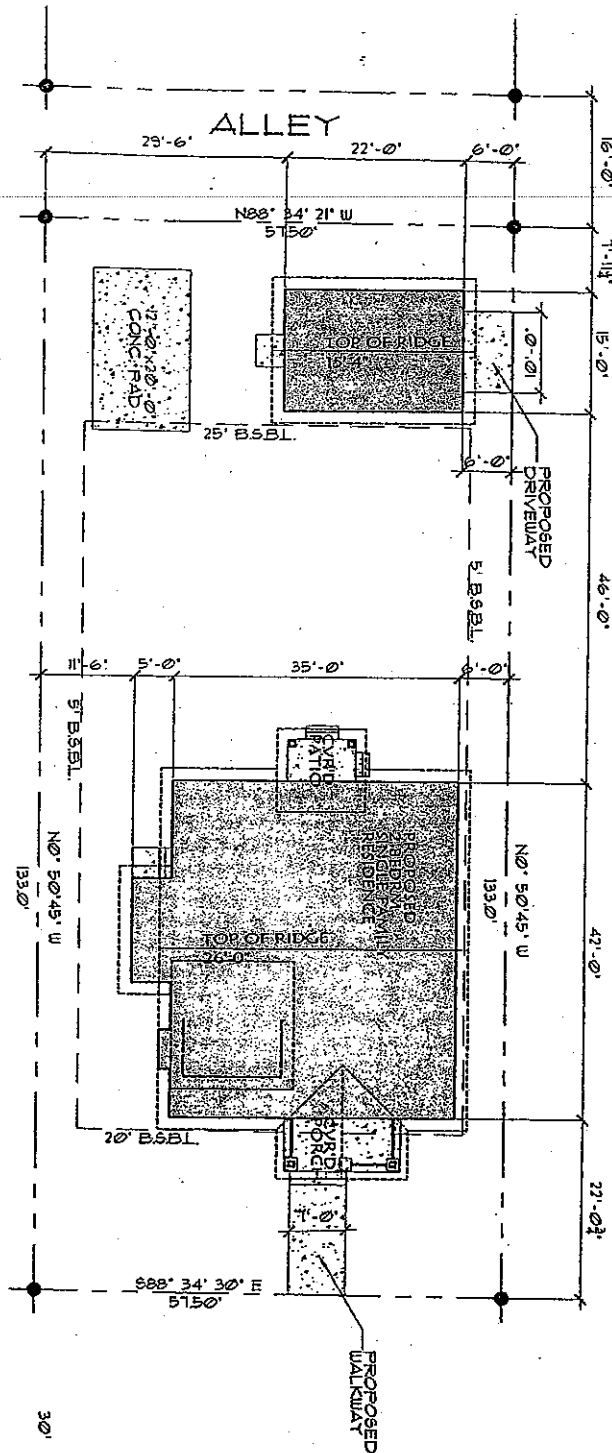
VICINITY MAP

Moore residence

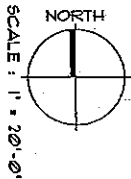
290 NE Alder Street



3rd AVE. NE



PROPOSED SITE PLAN



LOT COVERAGE	
PROPOSED RESIDENCE	1545 SQ. FT.
PROPOSED DETACH GARAGE	330 SQ. FT.
PROPOSED REAR PATIO	40 SQ. FT.
PROPOSED FRONT PORCH	24 SQ. FT.
CONCRETE PAD	240 SQ. FT.
CONCRETE WALKWAY	107 SQ. FT.
CONCRETE DRIVEWAY	60 SQ. FT.
TOTAL	1987 SQ. FT.
LOT AREA	
LOT AREA	1545 SQ. FT.
TOTAL	1545 SQ. FT.
LOT COVERAGE	
LOT COVERAGE	34%

NE ALDER STREET

The Moore Residence

290 NE ALDER ST., ISSAQUAH, WA

JLK Custom Designs

37110 SE GALA CT.
Snoqualmie, Wa 98065
Ph. 425.890.5039

email: jkcustomsdesigns@comcast.net

Issued	Date	Drawn By
PERMIT SET	1-1-0	JLK
		JLK

12-023

REI
FEB
City of